

REMARKS

Claims 1-13 are pending in this application. Claims 14-21 are canceled, claims 1, 6 and 9-11 are amended and claims 22-24 are added herein. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

Election of Group I, claims 1-16, is hereby affirmed. Claims 17-21 are hereby canceled pending the possible filing of a divisional application. Claims 1-13 stand rejected under 35 U.S.C. § 102 as being anticipated by Sung, *et al.* except for claims 2 and 13, which were rejected under 35 U.S.C. § 103 as being obvious over Sung, *et al.* in view of Durlam, *et al.* (claim 1) or in view of Fu (claim 13).

Claim 1 has been amended to include limitations nowhere suggested much less taught by Sung, *et al.* or any of the other references of record.

For example, the claims now clarify that the "opening" formed by the method of the invention is an array of openings with a predetermined periodicity and a selected width that is at least two times its depth such that an array of visible indentations form an alignment grating. Since the Sung, *et al.* patent discloses the formation of capacitors using a dual damascene process, there is clearly no teaching of forming an alignment grating nor does the method described in Sung, *et al.* teach all of the limitations necessary for forming an alignment grating.

Claim 1 is believed to be generic, claim 22 is intended to specifically cover the embodiment illustrated by Figures 2E, 2F and 2G, and claims 23 and 24 are intended to cover the two embodiments discussed at page 10, line 11 through page 11, line 6, with respect to Figures 3A and 3B.

Since the remaining claims 2-13 all depend directly or indirectly from claim 1, it is respectfully suggested that these claims are also allowable not only for their own limitations but also for depending from a claim deemed allowable.

Therefore, it is respectfully submitted that the application is now in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone James C. Kesterson, Applicant's attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

26 AUG 2003

Date

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AUG 26 2003
TC 1700